

## **A Different Kind of Courage, A Different Kind of Peace**

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JAMIE KALVEN, *WORKING WITH AVAILABLE LIGHT: A FAMILY'S WORLD AFTER VIOLENCE* (New York, W.W. Norton & Co.) (1999)

NANCY VENABLE RAINE, *AFTER SILENCE: RAPE AND MY JOURNEY BACK* (New York, Crown) (1998)

ALICE SEBOLD, *THE LOVELY BONES* (Boston, Little Brown) (2002)

ALICE SEBOLD, *LUCKY* (New York, Scribner) (2002)

### **I. INTRODUCTION**

Call it the paradox of progress. The last century has seen advances in medical science and public health dramatically extend the human lifespan. Yet as death becomes a less common part of our experience, fear of death casts a larger shadow on daily life.

In the United States the same paradox appears in foreign affairs. The stronger the nation becomes, the more fearful grow its citizens. The end of World War II and the beginning of the Cold War gave birth to the phenomenon: despite the world's most advanced military and dynamic economy, Americans feared attack as never before. The paradox has resurfaced in the current war on terrorism. National discourse is dominated by fear of foreign threats even though the nation's military and economic advantage over other countries is greater than ever.

Criminal justice policy in our country has been shaped by the same dynamic. In the last generation, the state's fiscal, technologic and legal resources for the punishment of crime have grown beyond any previously seen on the planet. Yet the political debate about crime in the United States (to the extent there are sufficient differences between the political parties and leaders to justify the sobriquet of debate) remains dominated by fear.

For those who wish to change national policy in foreign affairs or criminal justice, public fear represents an enormous obstacle. How can we argue for policies that in the short-term may expose us to greater threat, even if they promise greater security for future generations? This question suggests the need for a different kind of argument than academic lawyers customarily make. It suggests the importance of a re-examination and reinvigoration of the virtue of courage, for

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courage is the quality required to act effectively in the face of fear. The question suggests the need for a different understanding of those evil deeds which inspire our greatest fears. And least obviously, but perhaps most important, the question suggests that we need to reconsider the peace that we seek to preserve or restore.

In this review, I do not propose a means of addressing public fears that would permit reconsideration of foreign or criminal justice policy. Instead I offer the problem as a reason to listen to different voices on the challenges of violence today. The authors of these four books write on an apparently unrelated subject: the experience of rape and other criminal violence. Yet they teach much about the value—indeed the necessity—of facing, and in some respects accepting, the evils that make us fearful. They describe a different kind of courage than we normally recognize. Finally, they give us a notion of how we might conceive of peace—surely our ultimate goal—in a different way.

## II. WHY THESE BOOKS

The four books reviewed here (three works of nonfiction and a novel) all concern recovery from an especially violent sexual assault. Each tells a different story in a different voice. Their differences emphasize what is common to the experience of rape survivors and the particular form of courage that many are forced to develop.

Nancy Venable Raine, a poet and essayist, tells in precise yet metaphoric prose how she was shattered by a stranger's attack in her new home and how in the succeeding years she managed to heal.<sup>1</sup> Her book is a reflection of her personality, a quiet, haunting, beautiful and fragile work of introspection and analysis.

Jamie Kalven writes of the brutal attack suffered by his wife Patsy while jogging, and the long-term effect of this crime on their family.<sup>2</sup> He writes as an outsider, earnest in his curiosity and confusion. A student of trauma, he intersperses general learning about the subject with the experiences and observations of Patsy and other victims. The quotations from Patsy provide much of the book's fire.

Alice Sebold's *Lucky* is a memoir that centers on her rape at the age of 18 and its consequences for her, her family, and friends.<sup>3</sup> The work reflects the personality of its subject, a defiantly outspoken, witty young woman with a pre-existing taste for the morbid. Sebold spares no detail in her description of the rape, its aftermath, and the pain it inflicts on family and friends. The story she tells is often discouraging—especially the subsequent rape of her best friend at college in the apartment they shared—but the author remains defiant. She fights fiercely from the moment she is grabbed by her rapist, through his eventual prosecution

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<sup>1</sup> NANCY VENABLE RAINE, *AFTER SILENCE: RAPE AND MY JOURNEY BACK* (1998).

<sup>2</sup> JAMIE KALVEN, *WORKING WITH AVAILABLE LIGHT: A FAMILY'S WORLD AFTER VIOLENCE* (1999).

<sup>3</sup> ALICE SEBOLD, *LUCKY* (2002) [hereinafter *LUCKY*].

and conviction, through her young adulthood of career disappointments and drugs, to a place of mature insight.

Sebold's *The Lovely Bones* is a novel told in the voice of a dead 14-year-old girl, who from her heavenly vantage relates her own rape and murder and the lives of her friends and family following her death.<sup>4</sup> The best-selling book, which received widespread critical acclaim, manages to avoid both sentimentality and morbidity in its tale of growing up, family, and relationships in the turbulent wake of murder.

These are not the usual sort of works reviewed in a legal journal. With the exception of *Lucky*, which includes a disturbing and revealing account of the investigation and prosecution of rape from the victim's perspective,<sup>5</sup> these works say little directly about the legal system. None address the law or legal reforms in any detail. For the most part, these works do not introduce important new facts or ideas to the public conversation about rape. First person accounts of rapes and other sexual assaults have been part of the general discussion of these crimes for more than two decades.<sup>6</sup> The patterns of psychological injury and healing revealed in the three nonfiction works illustrate a process previously documented by social scientists, most notably Judith Lewis Herman in her landmark 1992 book, *Trauma and Recovery*.<sup>7</sup>

With the striking exception of *The Lovely Bones*, which is a bestseller and an astonishingly quick and reassuring read, these are what might be called obligation books: the sort of works one believes one should read, but more often than not finds a reason to avoid. They are like those educational television programs we may record for later consumption that never get watched. They are utterly unlike crime novels or true crime books where the solution of factual puzzles and (usually) punishment of the guilty guarantee reader satisfaction. Each of these books deals with the destructive reality of a violent crime that does not go away even when the perpetrator is caught and punished. And in three of the four books, the attacker goes unpunished.

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<sup>4</sup> ALICE SEBOLD, *THE LOVELY BONES* (2002) [hereinafter *THE LOVELY BONES*].

<sup>5</sup> See *infra* note 26 for discussion.

<sup>6</sup> First person accounts of rape victimization have frequently played an important role in the modern discussion of rape. See, e.g., SUSAN ESTRICH, *REAL RAPE* 1-3 (1987); DIANA E.H. RUSSELL, *THE POLITICS OF RAPE: THE VICTIM'S PERSPECTIVE* (1974); ROBIN WARSHAW, *I NEVER CALLED IT RAPE: THE MS. REPORT ON RECOGNIZING, FIGHTING, AND SURVIVING DATE AND ACQUAINTANCE RAPE* (1988). I should also point out that the books reviewed here are hardly the only noteworthy works about rape victim experiences to appear in recent years. Also with their own considerable strengths are PATRICIA WEAVER FRANCISCO, *TELLING: A MEMOIR OF RAPE AND RECOVERY* (1999) and CHARLOTTE PIERCE-BAKER, *SURVIVING THE SILENCE: BLACK WOMEN'S STORIES OF RAPE* (1998).

<sup>7</sup> JUDITH LEWIS HERMAN, *TRAUMA AND RECOVERY* (1992). This book is specifically cited by several authors. Alice Sebold describes how a friend told her about this book because a column that Sebold had written about her own rape was quoted in it. On buying the book Sebold noticed that she was quoted in the trauma section rather than the recovery section, which led her to read the entire work and take seriously the notion that she was suffering from post-traumatic stress disorder. *LUCKY*, *supra* note 3, at 236, 239-40.

So why do these books merit attention here? Each tells a powerful story about the human condition in powerful fashion. Each contains the raw material, and sometimes the refinements, of wisdom. Each suggests something important about how we might face evil and thus how we should lead our lives. Taken together, these books suggest a set of commitments that may allow us to live fully in the face of justified fear.

### III. WELCOME TO THE DARK SIDE

The lives depicted in each book divide into two parts: before and after. The transition between parts is sudden, unchosen, and profound. Before are lives lived in the light, in order and safety; what follows are experiences of darkness, disorder, and terrible threat.

Although the change could not be more dramatic to the victim, it is often invisible to others. As Susie Salmon, the narrator of *The Lovely Bones* says of her family's home following her death, "Our house looked the same as every other one on the block, but it was not the same. Murder had a blood red door on the other side of which was everything unimaginable to everyone."<sup>8</sup>

The darkness described in these works is the primeval, nightmarish world of sexual violence. Patsy Kalven says of her attack:

I feel as if I looked into a black hole. He dragged me to the edge, and I looked in. I recognized it. It was the place where torture victims and people in concentration camps are thrown like pieces of garbage . . . . It was such a bright, sunny day, and it got very dark for a while.<sup>9</sup>

Raine recounts:

The image came unbidden of a rent in visual space, which was merely a thin piece of fabric stretched over another darker world. Any moment another tear might appear, suddenly and without warning. Inside that other universe were fierce and unholy demons who sprang from it and vanished into it again at will . . . . I experienced the world as a place that included real demons, from a real hell . . . .<sup>10</sup>

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<sup>8</sup> THE LOVELY BONES, *supra* note 4, at 206.

<sup>9</sup> KALVEN, *supra* note 2, at 32.

<sup>10</sup> RAINE, *supra* note 1, at 16.

Sebold writes in her memoir that rape took her to a different world. “I . . . made contact with a planet different from the one my parents or sister lived on. It was a planet where an act of violence changed your life.”<sup>11</sup>

After the rape, the young Sebold finds herself dividing people into two groups: those who knew the darkness and those who did not. She describes an incident in which a male friend accompanied her as she was driven through a city neighborhood by a police officer in an attempt to identify her rapist. She finds herself repulsed by the friend’s queasiness at the endeavor and instead identifies with the police officer because of his outspoken rage at rapists. She criticizes the officer’s racist and brutal ways (he apparently roughs up a group of young black men who did not give him sufficient respect when he was feeling frustration at the failure of the search for Sebold’s rapist), but still she identifies with him. “That officer lived on my planet,”<sup>12</sup> she says.

The darkness and its pain extends and even expands over time.<sup>13</sup> As Raine comments about the early days following her attack, “I did not know then the effect this crime would have on me—that it would be I, not the rapist, who would be given the life sentence.”<sup>14</sup>

Part of the horror of the dark world is that victims must share it with their attackers. Sebold reports her early realization that, “I share my life not with the girls and boys I grew up with, or the students I went to Syracuse with, or even the friends and people I’ve known since. I share my life with my rapist. He is the husband to my fate.”<sup>15</sup> Kalven observed of his wife’s unidentified attacker, “I hated the idea that *he*—this faceless pronoun—was now a presence in our lives and that she, in some sense, remained in his grasp.”<sup>16</sup>

The dark world is new to the women attacked, but is not new. Several describe it as an ancient place of female suffering. Patsy Kalven observes, “It’s not just you and your assailant. You get pushed into this river, moving much too fast, of so many women raped and tortured over so many years. It’s so much bigger than you ever thought.”<sup>17</sup> Another rape victim tells author Jamie Kalven that, because of rape, women do not know freedom. “We don’t know what it would be like to be free. It’s always been like this—for millions of years. It’s never been different. We don’t know what it would be like to be free.”<sup>18</sup>

The darkness and the threat of violence it contains comes to seem normal. Sebold says that after college she lived for many years in high crime

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<sup>11</sup> LUCKY, *supra* note 3, at 68.

<sup>12</sup> *Id.* at 110.

<sup>13</sup> KALVEN, *supra* note 2, at 101.

<sup>14</sup> RAINE, *supra* note 1, at 51.

<sup>15</sup> LUCKY, *supra* note 3, at 53.

<sup>16</sup> KALVEN, *supra* note 2, at 43.

<sup>17</sup> *Id.* at 271.

<sup>18</sup> *Id.* at 224.

neighborhoods in New York City because she felt at home with the violence she saw around her. “I fit in with it. The way I acted and thought, my hyper vigilance and nightmares, made sense. What I appreciated about New York was that it didn’t pretend to safety.”<sup>19</sup>

#### IV. DESPAIR, HATRED AND COMPASSION

Although these works do not dwell on the question of motivation, they suggest that stranger rapes frequently come out of the perpetrator’s sense of despair, a despair which somehow becomes hatred for the person assaulted. These emotions prove contagious. Victims subsequently suffer their own despair which generates a reciprocal hatred of the rapist. Hating the attacker seems to be an important part of the survivor’s struggle back to life. Kalven speaks of the necessity of putting a human face to evil, and not relegating it to the realm of the abstract.<sup>20</sup> Raine, whose voice is almost always gentle, recounts a fantasy of burning her rapist alive, and the joy she felt at his suffering. “It felt good to be a monster, very good. My mind—all thoughts and feelings—seemed to vanish into the pleasure of the pain I gave him.”<sup>21</sup>

The young Sebold is the most forthright hater of this authorial group and her memoir presents a strong argument for its therapeutic and perhaps moral value. She fought her attacker with all her force for as long as possible, but when deceit was her only weapon, she used it. A major turning point in her subsequent story is when her poetry teacher, in commenting about a previous attempt to write about the rape, suggests beginning a poem with the line, “If they caught you . . .” This opens the way for Sebold to pen a work of vengeance that concludes with the verses:

I picture you now,  
your fingers rubbing sleep from  
those live blind eyes, while I rise restlessly.  
I need the blood of your hide  
on my hands. I want to kill you  
with boots and guns and glass.  
I want to fuck you with knives.

Come to me, come to me,  
Come die and lie, beside me.<sup>22</sup>

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<sup>19</sup> LUCKY, *supra* note 3, at 241–42.

<sup>20</sup> KALVEN, *supra* note 2, at 56.

<sup>21</sup> RAINE, *supra* note 1, at 84.

<sup>22</sup> LUCKY, *supra* note 3, at 99.

Sebold's hatred of her rapist sustained her throughout the difficult legal proceedings in her case. "In my mind, the rapist had murdered me on the date of the rape. Now I was going to murder him back. Make my hate large and whole."<sup>23</sup> She readily transferred her hostility to the defense attorney who represented her rapist in court. "He seemed the very force of nature I had to fight. I had no trouble hating him."<sup>24</sup> But she never loses sight of the real object of her rage. She tells of taking the witness stand at her trial having written on her leg beneath her skirt a message to the defendant, "You will die."<sup>25</sup> Sebold proved an effective witness and her rapist was convicted and sentenced to a long term.<sup>26</sup>

But the victims of these offenses are disturbed by the rage and hatred sometimes displayed by friends and family. Raine tells of her disquiet at hearing

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<sup>23</sup> *Id.* at 113.

<sup>24</sup> *Id.* at 180.

<sup>25</sup> *Id.* at 200–01.

<sup>26</sup> For lawyers, Sebold's account of legal procedures is fascinating and disturbing for the way in which the legal process is seen as a deadly but often dishonest game. Sebold describes the lineup that she attended and the way in which she believes the combined advocacy of the defense attorney to exclude her victim advocate from the lineup room and the way in which defendant and a friend of the defendant manipulated the process caused her to pick the wrong man in the lineup. (Defendant took advantage of a state procedural rule to ask that a friend who looked very similar to him participate in the lineup; the friend then took the position next to the defendant in the lineup, stood close to the viewing window and made eye contact with Sebold while the defendant looked away.) *Id.* at 134–41.

Sebold's response to this gamesmanship was a determination to play her part in the legal show more effectively.

On television and in the movies, the lawyer often says to the victim before they take the stand, "Just tell the truth." What it was left up to me to figure out was that if you do that and nothing else, you lose. So I told them [the grand jurors] I was stupid, that I shouldn't have walked through the park [where she was attacked]. I said I intended to do something to warn girls at the university about the park. And I was so good, so willing to accept blame, that I hoped to be judged innocent by them. . . . While still in court I thanked the jury [the grand jury]. I drew on my resources: performing, placating . . . . As I left that courtroom I felt I had put on the best show of my life. It was no longer hand to hand and I had a chance this time.

*Id.* at 144.

Another moment of gamesmanship comes at trial when Sebold was questioned about the pretrial lineup. She is asked whether she learned, after the lineup was held, what position the defendant had been in. After the lineup she did find out that the defendant had been in position number four. But she decided not to say this, believing that a denial would be more effective in presenting herself as a truthful individual who was fooled by the lineup antics of the defense and the physical similarity of the defendant and his friend. She writes, "If I lied, if I said, 'No, I do not,' I knew I would be perceived as telling the truth in my confusion between four and five." And so that is what she said.

Also of interest to students of the system, Sebold reports that the police officer who took her initial statement following the rape disbelieved her account, apparently based on his assessment of her psychological state. The officer was later convinced of her veracity by the physical evidence that demonstrated she had been a virgin at the time of the attack. The events recounted took place in the early 1980s.

her father talk about the violence he wanted to inflict on her rapist. “The taste of my father’s rage was bitter and unwelcome,” she reports. But in the very next sentence she states, “My rage, too, was monstrous.”<sup>27</sup> Perhaps victims sense that while they need and are entitled to their hatred, that of others is unhelpful.

There also seems to be an important gender issue here, a perception that the male need for violent retaliation represents a kind of denial of the evil that has occurred, a desperate but vain attempt to wash blood away with more blood. Several of the authors relate their impatience with male relatives and friends whose reactions to the crime focus on trying to do violence to the rapist. Describing friends who made a belated attempt to go after the attacker of her roommate, Sebold says, “Violence only begat violence. Couldn’t they see it left all the real work to women? The comforting and the near impossible task of acceptance.”<sup>28</sup>

In the end, even the victim’s hatred must be tamed. Raine discovers that after she had apparently transformed her life, her deep-rooted anger at the rapist remained, powerful and toxic. It resurfaced unexpectedly to threaten her new marriage. She undergoes therapy with a woman with a special expertise in treating rape victims. She finds part of her healing comes from granting the rapist his humanity. “I find strange the comfort it brings . . . I cannot forget the suffering he brought me. Nor does my intimate knowledge of the nature of his suffering . . . lessen my longing to see him locked behind bars forever. The only forgiveness I can muster is to call him human.”<sup>29</sup> In an interview, novelist Sebold spoke of the necessity for her to have compassion and respect for her characters, including the serial killer Mr. Harvey. When asked about whether she felt compassion for her own real life attacker, Sebold answered, “I would say eventually, certainly not immediately . . . I don’t know a lot about him, but some of the things I do know led me to feel compassion for him. . . . I don’t forgive him, but, you know, he’s a human being. You have to move on. You know, it’s just as simple as that. And so you find a way to move on, and having compassion for people just in general is a good way to live in life.”<sup>30</sup>

## V. FIGHTING BY SPEAKING

Nancy Venable Raine quotes psychologist Judith Herman on the question of whether to speak about traumatic events, “The conflict between the will to deny horrible events and the will to proclaim them aloud is the central dialectic of psychological trauma.”<sup>31</sup> This conflict plays an important role in each of the nonfiction accounts.

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<sup>27</sup> RAINE, *supra* note 1, at 50.

<sup>28</sup> LUCKY, *supra* note 3, at 222.

<sup>29</sup> RAINE, *supra* note 1, at 258.

<sup>30</sup> *Fresh Air* (National Public Radio Broadcast, July 10, 2002).

<sup>31</sup> RAINE, *supra* note 1, at 120 (quoting Judith Herman).



The authors agree that speaking up about rape is critical to their fighting back. Given that each of the nonfiction authors was a writer prior to the sexual assault, it is not surprising that each should turn to writing in response. But their courage in speaking out about a subject that many consider unspeakable remains impressive.

Again and again these writers insist that only the spoken truth can redeem and transform. "When you've really been violated, the truth is your friend. You keep repeating it and hope someone hears you."<sup>32</sup> They maintain that memory, which is the source of so much of their pain, is also the source of transformation.<sup>33</sup> One of the most powerful scenes in *The Lovely Bones* is when all the victims of Mr. Harvey gather in heaven and share their stories. Narrator Susie Salmon says, "Our heartache poured into one another like water from cup to cup. Each time I told my story, I lost a bit, the smallest drop of pain. It was that day that I knew I wanted to tell the story of my family. Because horror on Earth is real and it is every day. It is like a flower or like the sun; it cannot be contained."<sup>34</sup>

The decision to speak out violates basic norms of society, norms of denial. "The silence of survivors is, I believe, supported by a profound collective anxiety about rape that borders on cultural psychosis. We—all of us—deny," writes Raine.<sup>35</sup> For a time she was silenced by the comments of a well-meaning woman who commented about her first effort to speak out—a magazine article that Raine had written about her rape. The woman told her, "Let's face it, people don't want to read about such terrible things."<sup>36</sup> But Raine finally saw that she had to keep speaking, for "silence has the rusty taste of shame. The words *shut up* are the most terrible words I know."<sup>37</sup> These were words that her rapist had angrily addressed to her repeatedly during the attack. "It seemed to me that for seven years until—at last I spoke—these words had sunk into my soul and become prophecy."<sup>38</sup>

Not that speaking about rape comes easily. Sebold, the memoirist, recounts how in the comfort and formality of the family living room she told Myra, an old family friend, that she had been raped. "I felt I had to say it. But I felt also that saying it was akin to an act of vandalism. As if I had thrown a bucket of blood out across the living room at the blue couch, Myra, the winged chair, my mother."<sup>39</sup>

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<sup>32</sup> Karen Brailsford, *Shock Waves: Alice Sebold's Best-selling The Lovely Bones Explores the Heart of a Horrific Crime*, PEOPLE, Aug. 12, 2002, at 97 (quoting Sebold).

<sup>33</sup> Sebold recounts the advice of one of her writing teachers, Tobias Wolff, that she should remember everything about what happened to her. "He knew . . . that memory could save, that it had power, that it was often the only recourse of the powerless, the oppressed, or the brutalized." LUCKY, *supra* note 3, at 106. Wolff later wrote of his own experience as a victim of child abuse in TOBIAS WOLFF, *THIS BOY'S LIFE: A MEMOIR* (1989).

<sup>34</sup> THE LOVELY BONES, *supra* note 4, at 186.

<sup>35</sup> RAINE, *supra* note 1, at 5.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 6.

<sup>39</sup> LUCKY, *supra* note 3, at 68.

She soon learns that telling others changes her relationship with them, often for the worse.

And the power of words is limited. Both Raine and Jamie Kalven confess to serious doubts about the adequacy of words to convey their experiences.<sup>40</sup> As Patsy Kalven told her writer husband, “The thing is, you’re writing a book, and what I feel can’t be described in words.”<sup>41</sup> Patsy frequently insisted that there is “knowing and there is *knowing*.”<sup>42</sup> The former is the intellectual understanding that can be communicated through words; the latter is the flesh and bones knowledge that only experience conveys.

## VI. LIVING WITH EVIL

Public officials, especially in law enforcement, commonly speak about the importance of closure for crime victims. An arrest, a conviction, the execution of a sentence, is said to provide victims and their families with closure that permits them to “move on.” But closure is a word that most crime victims reject. It is an impossible and therefore deeply hurtful fantasy of a return to life before. It presumes the ability to put aside, to in effect forget what has occurred, but “[t]o a rape survivor, nothing is more desired or more impossible than forgetting.”<sup>43</sup> As with the death of a loved one, the grief experienced may change in quality and degree over time, but it never disappears and can resurface at unpredictable moments with surprising and frightening force.

These authors insist that recovery does not mean a return to who they were before the attack. As Raine puts it, “the rapist himself might be caught, but he could never produce the woman who had not been raped.”<sup>44</sup> That person is gone and a new one must take her place. Recovery requires letting the earlier self go and facing the present in a new guise.

Nor is there any banishing evil from the world of the survivor. Recovery is not the “ultimate vanquishing of the dark forces, but a reconciliation with them.”<sup>45</sup> As Sebold ends her memoir, “I live in a world where the two truths coexist: where both hell and hope lie in the palm of my hand.”<sup>46</sup> Raine speaks of believing in a good life, despite the presence of evil. “Before the rape I believed that the opposite of fear was courage.” She decides though, that the “opposite of fear . . . is faith.”<sup>47</sup> One must have faith in the possibilities of good, even conceding the

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<sup>40</sup> Early on, Raine found that she could not write about her rape. She wondered, “Was rape off-limits to our most distinctly human attribute—language?” RAINE, *supra* note 1, at 3.

<sup>41</sup> KALVEN, *supra* note 2, at 288.

<sup>42</sup> *Id.* at 101.

<sup>43</sup> RAINE, *supra* note 1, at 36.

<sup>44</sup> *Id.* at 26.

<sup>45</sup> *Id.* at 245.

<sup>46</sup> LUCKY, *supra* note 3, at 243.

<sup>47</sup> RAINE, *supra* note 1, at 162–63.

power of evil. The turning point in her life was her acceptance of an invitation to brunch by the man who would eventually become her husband. She says that she did so “knowing that all futures from now on would be futures where evil was possible, at any moment and from unseen dimensions. Yes, I knew this very well. But I knew, too, that evil is not the only possibility.”<sup>48</sup>

There is a sad beauty to these accounts of recovery, for the pain of knowing evil remains. In *The Lovely Bones*, the narrator describes a transcendent moment when family and friends and neighbors gather in an informal memorial for Susie in the cornfield where she died, and a neighbor, Mr. O’Dwyer, is asked to sing. Susie states, “And in the kind of grace that is granted but rarely, and not when you wish it most—to save a loved one from dying—Mr. O’Dwyer wobbled only a moment on his first note, then sang loud and clear and fine.”<sup>49</sup> Susie later addresses the reader on the subject of heaven and its security. “I would like to tell you that it is beautiful here, that I am, and you will one day be, forever safe. But this heaven is not about safety just as, in its graciousness, it isn’t about gritty reality. We have fun.”<sup>50</sup>

The authors frequently describe a kind of relief at acknowledging the reality of evil in their and others’ lives. In particular, the novelist Sebold has described in press interviews encounters at book signings she has had with audience members who share their experiences with the murder of a close relative, or some other trauma in their lives. She says this is often accompanied by tears and physical contact: holding hands or an embrace. “It’s a very clean, reciprocal moment,” she says. “And I think I spent so many years feeling alienated myself that it’s a thrill to me to have violence and death and crime and justice discussed like it’s a normal part of life. Because it is.”<sup>51</sup>

## VII. A DIFFERENT KIND OF COURAGE, A DIFFERENT KIND OF PEACE

Do these books have lessons for us? In particular, do they suggest any escape from the paradox of increasing power and fear with which this review opened? I think they may, but not in any very direct fashion and certainly not in the way that the legally trained may expect. This means that any search for lawyerly significance must proceed cautiously.

Lawyers are a pragmatic breed, inevitably concerned with the bottom line. In our eagerness to solve problems by new theories or substantive rules or adjudicative procedures, we often miss insights not reducible to decision factors. These books do not give ready legal answers. They do not say what the law of

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<sup>48</sup> *Id.* at 161.

<sup>49</sup> *THE LOVELY BONES*, *supra* note 4, at 210.

<sup>50</sup> *Id.* at 324.

<sup>51</sup> Karen Valby, *Lovely & Amazing: With ‘The Lovely Bones,’ her wildly popular tale of a young girl’s murder, Alice Sebold ignites her career—and realizes her dream*, ENT. WKLY., Aug. 16, 2002, at 39.

sexual assault should look like, or how such cases should be adjudicated. Instead they speak to how we should intellectually, emotionally, and spiritually conceive of these offenses and their human consequences. These works educate about the larger human reality that the criminal law must engage, but can never entirely comprehend. They suggest an emotional or spiritual perspective on violence that lawyers, like others, may find enlightening. In particular, these works challenge standard conceptions of the courage needed to face violence and the peace which represents the final triumph over it.

These books suggest that courage need not involve physical risk or sacrifice, but may consist of the determination to fully acknowledge, comprehend, and even accept evil in our lives. The experiences of these rape victims and others certainly support ongoing efforts to combat rape with force, including the force of law. But these authors teach that such force will never be sufficient. The authors agree that victims must work to move beyond their own victimization, but this does not mean forgetting or minimization or violence or drugs or any of the manifold other forms of denial.<sup>52</sup> Instead, moving on requires careful remembering and speaking about the ugliest of human experiences. Not that this is easy. These accounts are eloquent testimony to its difficulty and the lonely courage it requires.<sup>53</sup>

More than anything else, these books concern the struggle for peace. Peace here means neither the assurances of security provided by a fortress keep, nor the promise of health offered by modern medicine or the financial security that is the reward of a successful career. Neither Kalven, nor Sebold, nor Raine promise their readers protection from the harms that they themselves have suffered. These authors write from physical weakness, not strength. They have had to confront and accept their own vulnerability to attack. As a result they conceive of peace as something won in an internal, not external struggle. These authors prize, above all, peace of mind.

More than anything else, peace of mind is what sexual attackers take from their victims. The inspiration provided by each of these books comes from how the protagonists win back a measure of that peace. They reject the demonic world of the rapist. Yet they accept that “evil is not elsewhere,”<sup>54</sup> but remains present wherever humans live. They see that the worst deeds are committed by human beings who merit compassion as well as punishment. The experiences of the Kalvens, Alice Sebold, Nancy Venable Raine and Susie Salmon teach that with

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<sup>52</sup> As Raine writes, “Denial is a trickster, capable of astonishing disguises . . . . Denial is a presence disguised as an absence. You cannot see it even when it is staring you in the face.” RAINE, *supra* note 1, at 186.

<sup>53</sup> At one point Sebold writes of the efforts of friends and lovers to save her from the effects of her rape. “Some men and lesbians see it as a turn-on or a mission, as if by sexualizing our relationship they can pull me back from the wreckage of that day. Of course, their best efforts are largely useless. No one can pull anyone back from anywhere. You save yourself or you remain unsaved.” LUCKY, *supra* note 3, at 61.

<sup>54</sup> KALVEN, *supra* note 2, at 56.

determination and the help of others, the spirit to live fully may return to even the most wounded.

In recent years those who have suffered rape have often called themselves survivors rather than victims in order to emphasize the triumph of their continued existence. The term survivor emphasizes that they are subjects and not simply objects; that they act and are not just acted upon. But I have a quarrel with this word. For the heroism displayed in these books does not depend on the survival of those attacked. Indeed, in *The Lovely Bones*, Susie Salmon speaks only posthumously. The wonder of these authors' experiences is not that they have physically survived but that they have found a way to *live*. And that is the subtle and subversive message that I take from these works: the scariest things in our world can not be defeated by force alone and the effort to do so will only undercut the kind of courage needed to achieve the kind of peace that matters most.